

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CITY OF PHENIX CITY, ET AL., }
Plaintiffs, }
vs. } CIVIL ACTION NO. 3:06-CV-1074
MCKENZIE TANK LINES, INC., }
Defendant. }

**JOINT MOTION FOR EXTENSION OF TIME IN WHICH TO
FILE FED. R. CIV. P. 26(F) REPORT**

COME NOW Plaintiffs City of Phenix City and Russell County, Alabama (collectively, "Plaintiffs") and Defendant McKenzie Tank Lines, Inc. ("McKenzie") and, pursuant to Fed. R. Civ. P. 6(b), move the Court for a thirty (30) day extension of time within which the parties must file a report with the Court containing a proposed discovery plan in accordance with Fed. R. Civ. P. 26(f), showing the Court that:

1. This Court entered a Rule 26(F) Order on December 7, 2006 ordering the parties to file a Rule 26(f) report containing a proposed discovery plan, which report is currently due on or before December 21, 2006. Therefore, this Joint Motion is filed within the time specified for the filing of a Rule 26(f) Report.

2. In order to allow time to finalize a settlement among the parties in the above styled action, both parties have consented to the entry of the Order sought by this Motion.

WHEREFORE, the parties respectfully move the Court to enter an Order enlarging the parties' time in which to file the Rule 26(f) report by an additional thirty (30) days, through and including January 22, 2007. For the Court's consideration a Proposed Order is attached hereto.

Done this 20th day of December, 2006.

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Counsel for Defendant
McKenzie Tank Lines, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **Joint Motion For Extension of Time in which to File Fed. R. Civ. P. 26(F) Report** with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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/s/ Richard E. Broughton
COUNSEL FOR DEFENDANT

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CIVIL ACTION NO. 3:06-CV-1074

ORDER

THIS CAUSE came before the Court on the parties' Joint Motion to extend, through and including Monday, January 22, 2007, the time file the Rule 26(f) report containing the discovery plan in the above styled case. For good cause shown, the Joint Motion is hereby GRANTED.

BY THE COURT:
